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August 4, 2023

By: ECF
The Honorable Lorna G. Schofield
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Courtroom 1106
New York, New York, 10007

**Re: Manny Pastreich, as Trustee, and the Trustees
of the Building Service 32BJ Health Fund
v.
Bradley Technologies Corp.
S.D.N.Y. Docket No. 23-CV--4127 (LGS)(SN)**

Dear Judge Schofield,

The undersigned is counsel for the Plaintiff, Manny Pastreich, as Trustee, and the Trustees of the Building Service 32BJ Health Fund ("Health Fund") in the above captioned matter. This joint letter is respectfully submitted pursuant to Your Honor's Order of July 31, 2023. (Docket Entry # 30). This letter will also be docketed as a letter motion asking for a short postponement of the initial conference presently scheduled for August 30, 2023.

The parties met and conferred telephonically on July 27, 28, and August 3 and again this morning, August 4, in an effort to resolve the issues regarding the Health Fund's intention to move for injunctive relief concerning the Defendant's not paying for health benefits through the Health Fund's electronic payment portal ("ESS"). The parties have made great progress in their efforts to resolve the entire dispute.

Accordingly, the parties jointly request that the initial conference presently scheduled for August 30, 2023, be adjourned for two weeks. The parties further request that the date for submitting the joint-letter and proposed case management plan be rescheduled to one week before the new conference date. This is a first request.

As progress is being made, the parties have agreed to extend the Fund's right to file an amended complaint pursuant to FRCP 15(a)(1)(B), be extended to August 30, 2023. Defendant has also agreed that in the event the settlement discussions are unsuccessful, Defendant will not argue that the period that has passed since the Fund's initial pre-motion request (Docket Entry # 23), will be asserted as abasis for denying injunctive relief.

Respectfully submitted,



John Sandercock (By: ECF)
Dennis Michael Rothman (By: ECF)

The request is granted. The initial conference will now occur on September 13 at 4 p.m. The joint letter and case-management plan will now be due September 6. The amended complaint will be due August 30.

SO ORDERED



Arun Subramanian, U.S.D.J.
Date: August 8, 2023